IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.6272 of 2004

Kisanlal Ramchandra Marda & ors. Petitioners

Vs.

The State of Maharashtra & ors. Respondents

Mr.A.R.Matkari h/f. Mr.S.G.Kudle for petitioners.

Mr.C.R.Sonawane, AGP for Resp.Nos.1 and 2.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 17, 2006.

P.C.

. Heard Mr.Matkari with Mr.Kudle, the learned counsel for the petitioners. Perused the affidavit-in-reply filed by the Deputy Collector and District Resettlement Officer, Solapur for and on behalf of the respondent nos.1 and 2. The petitioners claim to be the owners of agricultural land bearing Gat No.281 and admeasuring 1 H. 72 R. when the said land has been acquired by the Government under the Land Acquisition Act, 1894 by publishing the notification under Section 4 of the

said Act on 2/1/1969. By this petition filed under Article 226 of the Constitution they have prayed for quashing the acquisition of the land beyond 27 acres and they claim that the slab under the Resettlement Act is fixed at 27 acres. They also claim that they are in possession of the subject land i.e. 1 H. 72 R. The acquisition is from two different gat numbers i.e. 281 of Bathan village and Survey No.89/2.

. In the affidavit-in-reply filed by the Deputy Collector and District Resettlement Officer it has been stated that the slab fixed for the concerned area i.e. village Bathan and village Uchetan was not at 27 acres but in fact it was at 36 acres as per the G.R. dated 26/3/1973 issued by the Revenue and Forest Department prior to the Maharashtra Project Affected Persons Rehabilitation Act, 1976 was enacted and the said slab was applicable when the land was sought to be acquired. So far as the possession is concerned, the affidavit clearly states that the petitioners had given their no objection on 19/7/1995 and the petitioners are not in possession of the subject land as at present. Thus it is clear that the challenge to the acquisition proceedings on any ground is unsustainable and the petitioners are only

trying to reopen the acquisition at a highly belated stage and inspite of having furnished a no objection letter on 19/7/1995.

. Hence the petition is rejected summarily.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE